

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VICTOR MARACHE

Plaintiff,

-against-

AKZO NOBEL COATINGS, INC.,  
EXXON MOBIL CHEMICAL COMPANY,  
THIBAUT & WALKER CO., INC, and  
DELTECH RESINS COMPANY as successor in  
interest to Thibaut & Walker Co. Inc.

Defendants.  
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08-cv-11049

ORDER

SIDNEY H. STEIN, U.S. District Judge.

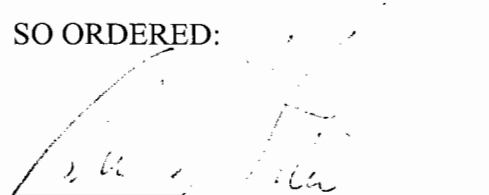
Plaintiff Victor Marache brings this products liability action against defendants seeking damages for injuries sustained as a result of a fire allegedly caused by use of polyurethane product defendants manufactured, produced, or sold. The suit, which was initially filed in New York state court, was removed by defendants pursuant to 28 U.S.C. § 1446, on the basis of diversity of citizenship. Plaintiff now moves to remand the case back to state court.

Because the parties do not dispute that the case was properly removed, and the Court finds that it has jurisdiction over the action pursuant to 28 U.S.C. § 1332(a) and that no “exceptional circumstances” exist that counsel in favor of an abstention from the exercise of that jurisdiction, Colorado River Water Conervation Dist. v. United States,

424 U.S. 800, 813 (1976); Royal and Sun Alliance Ins. Co. v. Century Int'l Arms, Inc.,  
466 F.3d 88, 92-93 (2d Cir. 2006), plaintiff's motion is denied.

Dated: New York, New York  
April 9, 2009

SO ORDERED:

A handwritten signature in dark ink, appearing to read 'S. H. Stein', is written over a horizontal line.

Sidney H. Stein, U.S.D.J.